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JAMES R. BROWNIN

No. 10 Original

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1959

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UNITED STATES OF AMERICA, *Plaintiff*

v.

STATES OF LOUISIANA, TEXAS, MISSISSIPPI, ALABAMA AND FLORIDA, *Defendants*

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## APPENDIX TO LOUISIANA'S REPLY BRIEF AND MOTION TO FILE WITH SUPPORTING STATEMENT

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UNITED STATES OF AMERICA, *Plaintiff*

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STATES OF LOUISIANA, TEXAS, MISSISSIPPI, ALABAMA AND FLORIDA, *Defendants*

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## APPENDIX TC MOTION OF THE STATE OF LOUISIANA FOR LEAVE TO FILE REPLY BRIEF WITH SUPPORTING STATEMENT

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*Alaska Pacific Fisheries* v. *United States,* 248 U.S. 78, In this case the United States successfully sued Alaska Pacific Fisheries to prevent that company from maintaining a fish trap within a reservation established for Indians. The Act of Congress described the reservation only as "The body of lands known as Annette Islands." The trap was not on any of the islands but in the submerged lands beneath the waters. In pertinent part this Court said:

"The principal question for decision is whether the reservation created by the Act of 1891 embraces only the upland of the islands or includes as well the adjacent waters and submerged lands. The question is one of construction—of determining what Congress intended by the words 'the body of lands known as Annette Islands.'

"As an appreciation of the circumstances in which words are used usually is conducive and at times is essential to a right understanding of them, it is important, in approaching a solution of the question stated, to have in mind the circumstances in which the reservation was created— * * *

"That Congress had power to make the reservation inclusive of the adjacent waters and submerged land as well as the upland needs little more than statement. * * *

"The reservation was not in the nature of a private grant, but simply a setting apart 'until otherwise provided by law', of designated public property for a recognized public purpose— * * *

"* * * It [Congress] did not reserve merely the site of their village, or the island on which they were dwelling, but the whole of what is known as Annette Islands, and referred to it as a single body of lands. This, as we think, shows that the geographical name was used, as is sometimes done, in a sense of embracing the intervening and surrounding waters as well as the upland—in other words, as descriptive of the area comprising the islands.

"This conclusion has support in the general rule that statutes passed for the benefit of dependent Indian tribes or communities are to be liberally construed; doubtful expressions being resolved in favor of the Indians."